


$$\begin{matrix} \mathbf{X} & & & & & & & & & & \\ & \vdots & & & & & & & & & \\ & & \vdots & & & & & & & & \\ & & & \vdots & & & & & & & \\ & & & & \vdots & & & & & & \\ & & & & & \vdots & & & & & \\ & & & & & & \vdots & & & & \\ & & & & & & & \vdots & & & \\ & & & & & & & & \vdots & & \\ & & & & & & & & & \vdots & \\ & & & & & & & & & & \mathbf{X} \end{matrix}$$

ORDER

  
LEWIS J. LIMAN  
United States District Judge

**THEORY OF DEFENSE**

[insert at page 89 before charge XXXIX (Count Fifteen-Violent Crime in Aid of Racketeering)]

With respect to the tax evasion counts, I instruct you that it is the theory of the defense  
that Larry Ray believed he was the victim of a conspiracy. Mr. Ray believed that he and others  
had been poisoned and otherwise harmed as part of this conspiracy and he attempted to learn the  
extent of this poisoning and other harm. Mr. Ray collected recordings and other writings for the  
purpose of turning these materials over to law enforcement to investigate the  
poisoning. ~~Multiple individuals stated that they had poisoned Mr. Ray and others, and caused  
other damages, as part of the conspiracy and they compensated or repaid Mr. Ray and others to  
make amends for these injuries.~~It is the theory of the defense that -Mr. Ray believed he was  
permitted to accept this repayment, even if the money he was paid was the proceeds of  
prostitution, and did not need to report these funds as taxable income. If you find that the  
Government has not proven beyond a reasonable doubt that the defendant acted willfully, in  
violation of a known legal duty and with the specific intent to defeat or evade the assessment of  
taxes that Mr. Ray knew it was his duty to pay, then you must find he defendant not guilty of the  
crime of tax evasion charged in Counts Eleven through Fourteen of the Indictment. Mr. Ray did  
not act with criminal intent.